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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,931

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EXAMINER

DANG, HUNG Q

ART UNIT

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2621

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/725,931	<b>Applicant(s)</b> MATSUMI ET AL.	
	<b>Examiner</b> Hung Q. Dang	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 6-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/11/2008</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/11/2008 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 11/07/2008 have been fully considered but they are not persuasive.

On page 6, Applicant argues that Ando does not disclose "... all parameter information associated with said data files classified according to one data format being stored sequential to all parameter information associated with said data files classified according to another data format." To back up this argument, Applicant points to Fig. 18A, which shows a PC file being stored in more than one contiguous block and interleaved with an unrecorded area and a video file. Based on an illustration of file contents being non-contiguously stored, Applicant then concludes that Ando does not disclose the feature of "... all parameter information associated with said data files classified according to one data format being stored sequential to all parameter information associated with said data files classified according to another data format." In response, the Examiner respectfully disagrees. Figs. 18 of Ando illustrate how the

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contents of the files, not their parameters, are stored in the recording medium. With respect to their parameter information, Fig. 14 of Ando shows at least an area 406 on the recording medium being used for the purpose of storing parameters of a file.

Obviously, despite the fact that the contents of the file could be stored in more than one contiguous places (as defined by areas 408 and 409 in Fig. 14), there is only one place to store the file's parameters. Fig. 15 further illustrates how the parameter information associated said data files classified according to one data format are being stored in area 406. As shown in Fig. 15, all parameter information associated with a file are stored sequential to all parameter information associated with said data files classified according to another data format.

For that reason, at least in this situation, Ando et al. disclose the feature of "parameter information file recording means of recording said parameter information in a parameter information file held on said record medium, all parameter information in said parameter information file associated with one format being stored sequential to all parameter information in said parameter information file associated with another data format by using a classification according to said data formats."

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al. (US Patent 6,341,196) and Cazier (US Patent 7,143,114).**

Regarding claim 1, Ando et al. disclose a recording and reproducing system comprising (column 4, lines 59-67): a record medium holding a plurality of data files of storing predetermined data, said data files being classified according to their data formats (Figs. 18; Fig. 15; column 22, lines 8-14) and parameter information used for reproducing said predetermined data (column 17, lines 16-29; column 19, lines 18-54); data file holding position information file recording means of recording data file holding position information, which indicates a position where said data file is held in a data file holding position information file held on said record medium (column 22, line 8 – column 23, line 10; Figs. 18; Figs. 19; Fig. 13A; Fig. 14; column 18, lines 9-15); parameter information file recording means of recording said parameter information in a parameter information file held on said record medium, all parameter information in said parameter information file associated with one data format being stored sequential to all parameter information in said parameter information file associated with another data format by using a classification according to said data formats (column 17, lines 16-29; Fig. 14; Fig. 15; also see “Response to Arguments” above); and data reproducing means of reproducing said predetermined data stored by said data file by using said data file holding position information and said parameter information (column 19, lines 18-54). Further, Ando et al. also disclose each of said data file is given unique data file ID (column 18, lines 7; Fig. 16); and the parameter information of the data files are stored

in an order (for example, parameter information of data file C (entry 106) go before those for data files H (entry 114) and I (entry 118) respectively as shown in Fig. 13A), and said data file holding position information is recorded in said data file holding position information file by using said unique data file ID which are given (column 18, lines 1-15; Fig. 13A; Fig. 16).

However, Ando et al. do not disclose the unique data file ID is given by using order in which said parameter information file stores said parameter information.

Cazier discloses giving each object a unique ID by using an order in which the object is created (column 1, lines 15-21).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the step of giving a unique ID using order as described by Cazier into the recording apparatus disclosed by Ando et al. so that each ID is automatically generated in order for reasons of simple implementation. The incorporated feature would eliminate the need for a complicated naming algorithm in creating the management records; thus, should be preferred.

Regarding claim 2, Ando et al. also disclose said data file holding position information file stores said file holding position information on said positions at which said plurality of data files are held respectively (Fig. 13A).

Claim 6 is rejected for the same reason as discussed in claim 1 above.

Claim 7 is rejected for the same reason as discussed in claim 1 above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621